

September 19, 2011

CERTIFIED MAIL (7007 1490 0003 4205 1942)

Administrator
Ballard Manor
1710 NW 57th Street
Seattle, WA 98107

Boarding Home License #921
Licensee: Ballard Manor LLC

IMPOSITION OF CONDITION ON LICENSE
IMPOSITION OF CIVIL FINES

Dear Administrator:

Aging and Disability Services Administration, Residential Care Services (the Department) recently completed an onsite complaint investigation at your boarding home located at 1710 NW 57th Street, Seattle, Washington. The investigation determined that your facility was in violation of boarding home licensing requirements. These violations are documented on the enclosed Statement of Deficiencies dated September 12, 2011.

As a result of the violations, conditions on your boarding home license and civil fines are being imposed. This action is taken under the authority granted in the Revised Code of Washington (RCW) 18.20.190 and the Washington Administrative Code (WAC) 388-78A-3160. The violations resulting in conditions are as follows:

WAC 388-78A- 2560 Administrator responsibilities.

The licensee and acting administrator failed to recognize potential abuse and failed to comply with boarding home policies on abuse and reporting and protection of residents pending investigation.

WAC 388-78A- 2600 Policies and procedures.

The licensee failed to follow facility policy to investigate and protect residents during an investigation.

WAC 388-78A- 2630 Reporting abuse and neglect.

The licensee failed to follow facility policy to report possible abuse.

WAC 388-78A- 2660 Resident rights.

The licensee failed to ensure that all staff persons provide care and services to each resident in a manner that enhances resident dignity and respect.

WAC 388-78A- 2700 Safety measures and disaster preparedness.

The licensee failed to meet minimum regulatory standards to investigate incidents.

The department, based on the above violations, has determined that the following condition(s) shall be placed on your boarding home:

- 1. By October 7, 2011 the administrator must hire an outside consultant at their own expense to update facility policies on abuse and exploitation; to train staff to implement policies to protect residents and to report suspected abuse. Staff should be trained on:*
 - *Identifying types of abuse*
 - *The obligation to protect residents from suspected abuse*
 - *The responsibility to report suspected abuse*
 - *Requirements to report suspected abuse as a mandated reporter*
- 2. In addition, the consultant must provide instruction to the facility staff related to investigation and documentation of investigative actions including determining the circumstances of the event and how to institute and document appropriate measures to prevent similar future incidents. The consultant will assist the administration to set up a system to review the timeliness and accuracy of the investigations ensuring that preventative measures have been implemented. This training and system development must be completed by October 15, 2011.*
- 3. The consultant will also train all staff on Resident Rights, particularly treating residents with respect and dignity.*
- 4. The administrator must post this condition in the boarding home, clearly visible to staff, visitors and residents.*

The effective date of the conditions on your license is immediately upon receipt of this notice.
As provided in RCW 18.20.190, the effective date of the conditions on your license will not be postponed pending an administrative hearing or informal dispute resolution review.

In addition, civil fine(s) are being imposed based on the following violation.

WAC 388-78A- 2700 Safety measures and disaster preparedness. **\$100.00 per instance**
x 2 =\$200.00

The licensee failed to investigate 2 incidents as required to prevent similar future situations and failed to protect residents during the course of the investigations.

These and other violations are more fully described in the enclosed Statement of Deficiencies report dated, September 12, 2011.

Appeal Rights

You have the following appeal rights as provided in Chapter 18.20 Revised Code of Washington (RCW) and Chapter 388-78A Washington Administrative Code (WAC):

- You have the right to request an informal review of the Statement of Deficiencies and any subsequent state enforcement actions. You must file your request within **10 working days** of this notice. The Informal Dispute Resolution (IDR) process is described below.
- You have the right to request an administrative hearing to appeal the conditions and civil fine. You must file your request within **28 calendar days** of receipt of this notice letter. The administrative hearing process is described below.

Informal Dispute Resolution (IDR) Process:

To request an informal dispute resolution (IDR) meeting, please send your written request to:

**Informal Dispute Resolution Program Manager
Aging and Disability Services Administration
PO Box 45600
Olympia, Washington 98504-5600
Fax (360) 725-3225**

The written request should:

- Identify the citation and/or enforcement action that is disputed;
- Explain why you are disputing the deficiencies or actions;
- Indicate the type of dispute resolution process you prefer (direct meeting,, telephone conference or documentation review); and
- Be sent within **10 working days** of the receipt of this notice.

Administrative Hearing Process:

A request for a state administrative hearing to contest state enforcement actions must be sent to:

**Office of Administrative Hearings
PO Box 42489
Olympia, WA 98504-2489**

The hearing request must be received by the Office of Administrative Hearings within **28 calendar days** of the receipt of this notice letter. A copy of this letter and a copy of the enclosed Statement of Deficiencies must be included with your request.

If no hearing is requested, the civil fine is due **28 calendar days** after receipt of this notice. Please remit a check for **\$200.00** payable to the Department of Social and Health Services. The check should be sent to:

**DSHS Office of Financial Recovery
PO Box 9501
Olympia, Washington 98507-9501**

If payment has not been received within **28 calendar days** after receipt of this notice, interest will begin to accrue on the balance at the rate of one percent per month. If you do not submit a hearing request or make payment within **28 calendar days**, the balance due the department will take steps to collect.

Plan of Correction/Attestation

You must:

Return the plan/attestation, on the enclosed report, within **10 calendar days** after you receive this letter. Include the following in your plan for each deficiency:

- The date you have or will correct each deficiency; and
- Provide a signature and date certifying that you have or will take corrective measures to correct each cited deficiency. Send your Plan of Correction to:

**Lois Rasmussen, Field Manager
District 2, Unit D
20425 72nd Avenue South, Suite 400
Kent, WA 98032
Phone: (253)234-6020 / Fax: (253) 395-5071**

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If you have any questions, please contact Lois Rasmussen at (253) 234-6020.

Sincerely,

Lori Melchiori, Ph.D.
Assistant Director
Residential Care Services

Enclosures:

cc: Linda Ronco Compliance Specialist
RCS Field Manager – District2, Unit D
RCS District Administrator – District 2
HCS Regional Administrator – Region 2
DDD Regional Administrator – Region 2
Office of Financial Recovery
Washington State Long Term Care Ombudsman
Area Agency on Aging, AAA-King
Medicaid Fraud Control Unit
John Ficker, HCS
HQ Central Files